

Decision

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of PRATIBHA INDIA, dba KIDZJET, to expand its operating authority "PSC-31404 (Child-31404)", under Section 1031, et. seq., of the California Public Utilities Code, to transport unaccompanied children, between the ages of 4 years old and 17 years old and their activity equipment, between points in San Mateo County and Santa Clara County, on the one hand, and between points in Santa Clara County, on the other hand; and to maintain the Zone of Rate Freedom (ZORF) granted in Decision 13-10-005.

Application 14-05-027
(Filed May 8, 2014)

D E C I S I O N G R A N T I N G A P P L I C A T I O N**Summary**

This decision grants the application of Pratibha India, doing business as Kidzjet, a California corporation, pursuant to Pub. Util. Code §§ 1031, et seq., to expand its Certificate of Public Convenience and Necessity to operate as a Passenger Stage Corporation, as defined in Pub. Util. Code § 226, and to modify its Zone of Rate Freedom, pursuant to Pub. Util. Code § 454.2.

Discussion

Pratibha India, doing business as Kidzjet (Applicant), provides an on-call Passenger Stage Corporation (PSC) service under a certificate granted by Decision (D.) 13-10-005. The certificate authorizes the transportation of children to and from school and after-school activities from various points within the County of San Mateo. The application requests authority to expand the on-call

PSC authority to include points between San Mateo County and Santa Clara County, on the one hand, and between points in Santa Clara County, on the other hand; specifically the cities of Palo Alto, Los Altos, Los Altos Hills, Mountain View, Sunnyvale, Santa Clara, Saratoga, Campbell, Cupertino, Los Gatos and San Jose. The application also proposes to modify its Zone of Rate Freedom (ZORF) to cover fares of \$40 or greater, namely, plus or minus twenty dollars (\$20) over fares \$40 or greater; the minimum fare will remain at \$5.

Applicant believes its present Child-PSC service in San Mateo County has resulted in demand for a similar service for parents and guardians of school aged children in the adjacent county. A California Environmental Quality Act review is not required because approval of the application will not have a significant adverse effect on the environment.

Attached to the application as Exhibit E is Applicant's unaudited balance sheet as of May 6, 2014, which discloses assets of \$1,250,000, liabilities of \$195,600, and net worth of \$1,054,400.

The proposed fares for the expanded service, listed in Exhibit C of the application, range between \$18 (within Palo Alto) and \$42 (San Mateo to San Jose). Applicant will compete with other PSCs, taxicabs, charter sedans and limousines, public transit, and private automobiles in their operations. This highly competitive environment should result in Applicant pricing its services at a reasonable level.

Notice of filing of the application appeared in the Commission's Daily Calendar on June 4, 2014. Applicant served a notice of the application to the involved cities and public transit operators in Santa Clara County. Additionally, in compliance with Ordering Paragraph Nos. 7 and 8 of D.97-07-063, Applicant filed a Certificate of Service on May 19, 2014 indicating it notified each pediatric health director and public school superintendent in the service territory of the

application. On August 6 and 13, 2014, Applicant had a notice published in Santa Clara Weekly, a newspaper of general circulation. In accordance with the requirements of Appendix A of D.97-07-063, Applicants' Chief Executive Officer (CEO) and key personnel shall have their names entered into the TrustLine Registry.¹

In Resolution ALJ 176-3337, dated June 12, 2014, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3337.

Since the proposed service will reduce the number of vehicles on the public highways in between points in the cities of Palo Alto, Los Altos, Los Altos Hills, Mountain View, Sunnyvale, Santa Clara, Saratoga, Campbell, Cupertino, Los Gatos and San Jose, a California Environmental Quality Act review is not required because it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

¹ The TrustLine Registry is a screening program of caregivers administered by the state Department of Social Services and the nonprofit California Child Care Resource and Referral Network. Caregivers registered with the TrustLine have been fingerprinted and have cleared a criminal background check by the state Department of Justice.

Safety Considerations

In order to be authorized to commence operations as a PSC, the Applicant must comply with the following requirements in order to protect public safety: Proof of insurance pursuant to General Order Series 101, compliance with the controlled substance and alcohol testing program pursuant to Pub. Util. Code §1032.1 and General Order Series 158, and enrollment in the pull notice system as required by Section 1808.1 of the Vehicle Code.

Assignment of Proceeding

Denise Tyrrell is the assigned Examiner in this proceeding.

Findings of Fact

1. Applicant operates as an on-call PSC pursuant to D. 13-10-005 to transport children to and from school and after-school activities from various points within the County of San Mateo.
2. The application requests authority to expand Applicant's PSC certificate to include service between various points in San Mateo and Santa Clara Counties, and within Santa Clara County.
3. Applicant requests to establish a ZORF of \$5 above and below fares of \$20 or less, \$10 above and below fares greater than \$20 and less than \$40, and \$20 above and below fares over \$40. The minimum fare will be \$5.
4. Applicant will compete with other PSCs, taxicabs, charter sedans and limousines, public transit, and private automobiles in their operations.
5. The rules and regulations for the transportation of children contained in Appendix A of D. 97-07-063 are applicable to the service involved in this application.
6. No protest to the application has been filed.

Conclusions of Law

1. Public convenience and necessity has been demonstrated and the application should be granted.
2. The request for a ZORF should be granted because the ZORF is fair and reasonable.
3. Before Applicant changes any fares under the authorized ZORF, Applicant should be required to give this Commission at least ten days' notice. The tariff should show the high and low ends of the ZORF and the then currently effective fare between each pair of service points.
4. Because the matter is uncontested, the decision should be effective on the date it is signed.
5. Applicant has complied with the notice requirements prescribed in Ordering Paragraphs Nos. 7 and 8 of D.97-07-063.
6. A public hearing is not necessary.
7. A California Environmental Quality Act review is not required for this decision because it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment.

O R D E R

IT IS ORDERED that:

1. The Certificate of Public Convenience and Necessity granted to Pratibha India, doing business as Kidzjet, a California corporation, authorizing it to operate as a Passenger Stage Corporation (PSC), as defined in Pub. Util. Code § 226, to transport unaccompanied children under the age of 18 years and affiliated adults who are being transported in accordance with the rules and regulations contained in Appendix A of Decision 97-07-063, and their baggage between the

points and over the routes set forth in Appendix PSC-31404 (CHILD-31404) of Decision 13-10-005, is revised by replacing Original Page 3 with First Revised Page 3, below, subject to the conditions contained in the following Ordering Paragraphs.

2. Pratibha India, doing business as Kidzjet, shall:

- a. File a written acceptance of the revised certificate within 30 days after this decision is effective.
- b. Establish the authorized expanded service and file tariffs and timetables within 120 days after this decision is effective.
- c. File tariffs on or after the effective date of this decision. The tariff shall become effective ten days or more after the effective date of this decision, provided that the Commission and the public are given not less than ten days' notice.
- d. Comply with General Orders Series 101 and 158, and the California Highway Patrol (CHP) safety rules.
- e. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
- f. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so. Failure to comply with this filing will result in suspension and/or revocation of authority.
- g. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- h. Enroll all drivers in the Pull Notice System as required by Section 1808.1 of the Vehicle Code.

3. Pratibha India, doing business as Kidzjet, is authorized to establish a Zone of Rate Freedom for its current and expanded services of \$5 above and below fares of \$20 or less, \$10 above and below fares greater than \$20 and less than \$40, and \$20 above and below fares over \$40. The minimum fare is \$5.

4. Pratibha India, doing business as Kidzjet, shall file a Zone of Rate Freedom (ZORF) tariff with the Commission and the public in accordance with the application at least ten days before the effective date of the tariff. The ZORF shall expire unless exercised within 120 days after the effective date of this decision.

5. Pratibha India, doing business as Kidzjet, may make changes within the Zone of Rate Freedom by filing amended tariffs on not less than ten days' notice to the Commission and to the public. The tariff shall include the authorized maximum and minimum fares and the fare to be charged between each pair of service points.

6. In addition to posting and filing tariffs, Pratibha India, doing business as Kidzjet, shall post notices explaining fare changes in their terminals and passenger-carrying vehicles. Such notices shall be posted at least ten days before the effective date of the fare changes and shall remain posted for at least 30 days.

7. Pratibha India, doing business as Kidzjet (Applicant), is authorized to begin operating the expanded service on the date that the Safety and Enforcement Division mails a notice to Applicant that its evidence of insurance and other documents required by Ordering Paragraph No.2 have been filed with the Commission and that the California Highway Patrol has approved the use of Applicant's vehicles for service.

8. The revised Certificate of Public Convenience and Necessity to operate as Passenger Stage Corporation PSC-31404 (CHILD-31404), granted herein, expires unless exercised within 120 days after the effective date of this decision.

9. The Application is granted as set forth above.
10. This proceeding is closed.

This decision is effective today.

Dated , at San Francisco, California.

* SECTION II. SERVICE AREA.

- A. Cities of Burlingame, San Mateo, Foster City, San Carlos, Atherton, and Redwood City in San Mateo county.
- B. Cities of Palo Alto, Los Altos, Los Altos Hills, Mountain View, Sunnyvale, Santa Clara, Saratoga, Campbell, Cupertino, Los Gatos, and San Jose in Santa Clara County.

SECTION III. ROUTE DESCRIPTIONS.

Route 1 – Commencing from any city, described in Section IIA, then over the most convenient streets, expressways, and highways to any other city, described in Section IIA.

Route 2 – Commencing from any city, described in Section IIB, then over the most convenient streets, expressways, and highways to any other city, described in Section IIB.

Route 3 – Commencing from any city, described in Section IIA, then over the most convenient streets, expressways, and highways to any other city, described in Section IIB.